

# **THE LINCOLN COMMISSION ON HUMAN RIGHTS**

## **2003 ANNUAL REPORT**



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# CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

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February 1, 2004



Dear Friends:

As Mayor, I am pleased to endorse the 2003 Lincoln Commission on Human Rights Annual Report. This has been an exceptional year for the Commission.

The Lincoln Commission on Human Rights has developed aggressive outreach efforts, investigated and resolved complaints, and expanded educational efforts to include our youth population. It is through this type of awareness, outreach, education, and effective enforcement that we can eliminate discrimination.

As the Mayor, I can promise you that we will not allow discrimination to go unchecked, unchallenged and confronted. I have spent my life supporting equal opportunity and fairness for all and I will continue to do so as your Mayor. My thanks to the Lincoln Commission on Human Rights, the Commissioners and staff for another successful year.

Sincerely,

Coleen J. Seng  
Mayor of Lincoln

## **MESSAGE FROM THE DIRECTOR**



Dear Friends:

As Director, I am pleased to present the 2003 Lincoln Commission on Human Rights Annual Report. We are very pleased with the work we have done during the past year.

The Lincoln Commission on Human Rights has expanded its outreach efforts by sponsoring, attending, or holding more than forty events through its educational outreach program. This program has reached more than 950 people. The Lincoln Commission on Human Rights, with limited resources, has investigated and resolved 115 complaints. I am particularly pleased with our efforts to reach our very young people through innovative and novel ways by devising two coloring books which teach our children the values of equality, freedom and fairness. You have probably already seen or heard the radio, TV, and print ads, which are promoting fair housing in our community.

Planning for the April 13, 2004 Fair Housing Conference continues on schedule and will be one of the highlights of this year for this City and region. I am particularly pleased that this conference is a collaborative effort and will be sponsored by many organizations and agencies from within and outside of our community. In addition, although we were unable to hold our annual civil rights symposium in 2003 due to budgetary constraints, we are scheduling one for October 2004. Initial planning has already begun on this conference.

It is through awareness, outreach, education and effective enforcement that we can eliminate discrimination.

Sincerely,

A handwritten signature in cursive script that reads "Larry Williams".

Director/EOO

2003  
COMMISSIONERS

**THE COMMISSION**

**Ernesto Castillo, Chair**

**Oscar Harriott, Vice-Chair**

**Maisun Allahiq (appointed 12/2003)**

**Carmy Anthony**

**Meredith DeCory**

**Muammal Jaafar (resigned 8/2003)**

**Sitaram Jaswal**

**Lori Lopez Urdiales**

**Leroy Stokes**

**Linda Willard**



Front Row from Left: Meredith DeCory, Ernesto Castillo, Jr., Chair, Linda Willard, Oscar Harriott, Vice Chair. Back row: Carmy Anthony, Leroy Stokes, Sitaram Jaswal, Muammal Jaafar (resigned 8/03), Lori Llopez Uurdiales. Not pictured; Maisun Allahiq.

## **STATISTICAL OVERVIEW OF COMPLAINTS**

The 1995 Annual Report was the Commission's first Annual Report since 1990. This report continues to follow 1995's "overview of complaints" format and content presentation. The result is a 10-year cumulative view as well as a view of last year.

### **OBSERVATIONS, 2003**

There was a total of 94 complaints filed compared to 102 in 2002. There was a total of 115 complaints closed. Overall, there were 122 cases decided of which 82 were decisions of either "reasonable cause" (7) or "no reasonable cause" (75). The remainder were administrative closures, such as withdrawals, lack of jurisdiction, etc. Also, in 2003, the Commission was able to obtain a total of \$56,844.79 in monetary settlements. The Commission settled other cases on a non-monetary basis. Typically, these cases required Equal Opportunity and discrimination prevention training as well as changes in employment, housing, and business practices.

Some interesting facts are that there were 39 cases filed by females compared to 55 filed by males. The breakdown of cases filed by race/nationality is: Caucasian = 38; African-American = 25; Hispanic = 1; Native American = 4; Iraqi = 11; Mexican = 2; Puerto Rican = 1; Sudanese = 2; Nigerian = 2; Cuban = 3; Ukranian = 1; Asian = 2; Iranian = 1; and Pakistani = 1.

### **CUMULATIVE OBSERVATIONS, 1993-2003**

From 1993 to 2003, there was an average of 88 complaints filed per year of which the average for housing was 9 per year, the average for employment was 71 per year and for public accommodation the average was 8 per year.

## CASES FILED 2003

During 2003, 94 formal complaints of discrimination were filed with the Lincoln Commission on Human Rights. The legal bases are:

	<u>EMPLOYMENT</u>	<u>HOUSING</u>	<u>PUBLIC ACCOMMODATION</u>	<u>TOTAL</u>
Race	33	7	6	46
Color	4	0	0	4
Sex	17	0	0	17
Age	9	NA	NA	9
Religion	6	2	2	10
Disability	15	2	4	21
National Origin	22	3	2	27
Retaliation	24	0	0	24
Marital Status	0	0	0	0
Familial Status	NA	1	NA	1
Ancestry	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b>130</b>	<b>15</b>	<b>14</b>	<b>159 *</b>
<b>ACTUAL TOTAL</b>	<b>75</b>	<b>9</b>	<b>10</b>	<b>94</b>

\*A total of 159 bases is shown. Some complaints were based on more than one basis. In actuality, 94 complaints were filed.

## CASES CLOSED 2003

	<u>EMPLOYMENT</u>	<u>HOUSING</u>	<u>PUBLIC ACCOMMODATION</u>	<u>TOTAL</u>
No Reasonable Cause	63	9	2	74
Pre-Determination Settlements	11	1	4	16
Reasonable Cause *	6	0	1	7
1) Public Hearing Decisions				
a) No Reasonable Cause	1	0	0	1
b) Reasonable Cause	0	0	0	0
2) Conciliations				
a) Successful	5	0	0	5
b) Failed	1	0	0	1
Administrative Closures				
1) Withdrawals	3	1	0	4
2) Withdrawal with Settlement	0	0	0	0
3) Lack of Cooperation	2	0	1	3
4) Lack of Jurisdiction	3	0	1	4
5) Failure to Locate	0	0	0	0
6) Right to Sue Letter	6	0	0	6
7) Out of Business	1	0	0	1
<b>TOTALS</b>	<b>102</b>	<b>11</b>	<b>9</b>	<b>122*</b>

\*There were 122 decisions made with 115 actual closures. Out of the 122 decisions made by the Commissioners, 7 were Reasonable Cause of which 1 is still open, 3 were successfully conciliated, 2 withdrew to pursue in Federal Court, and 1 was a failed conciliation. Of the 4 reasonable cause cases from 2002 that were still open, 2 were conciliated, 1 withdrew to pursue in Federal Court, and 1 had a No Reasonable Cause finding from the Public Hearing.

<b>CASES FILED</b> <b>1993 - 2003</b>
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	Housing	Employment	Public Accommodation	Total
YEAR	Filed	Filed	Filed	Filed
1993	0	28	6	34
1994	1	29	3	33
1995	7	36	5	48
1996	23	70	9	102
1997	11	47	9	67
1998	11	65	5	81
1999	4	58	8	70
2000	4	143	9	156
2001	4	78	9	91
2002	13	80	9	102
2003	9	75	10	94
TOTAL	87	709	82	878

<b>OUTREACH/SERVICES</b> <b>2003</b>
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In 2003, the Lincoln Commission on Human Rights continued with outreach sessions to the public on employment, housing, and public accommodation. There were 44 sessions, including the 2003 Fair Housing Conference, that reached a minimum of 954 people. In addition, press coverage on several of these events then reached thousands more.

We also began sending out customer satisfaction surveys to the Complainants and Respondents. This began in January 2003. To date, 105 surveys have been sent to Complainants with 26 returned for a return rate of 24.8%. There were 100 surveys sent to Respondents during this time period with 49 returned for a return rate of 49%. This process was begun so that we can continue to improve our services to the community and so that people who come to LCHR can have input into how they perceive LCHR.

## **2003 ACCOMPLISHMENTS of the LCHR Team**

- A cosponsor of the annual Martin Luther King Freedom Breakfast with LPS, UN-L and the Interfaith Council.
- Represented on the Lincoln Board of Realtors Diversity/Equal Opportunity Subcommittee.
  - Coordinated the second Fair Housing Conference in April with 250 attendees.
  - Permanent participant and represented on the Mayor's Multicultural Affair Committee.
- Renewed grant agreements with the United States Equal Employment Opportunity Commission and the United States Department of Housing and Urban Development.
  - Active participant and member in Citizens Against Racism and Discrimination.
- Active participant in the Diversity Partnership Group sponsored by the Nebraska Health and Human Services System.
- The LCHR was represented with a booth at Juneteenth Celebration, World Day at the Mall, Hispanic Festival, etc.
  - An active member in the Community/Ethnic Center monthly discussion group.
  - Member and participant in the Nebraska Minority Health Association.
  - Member and participant in the Lincoln Public School Multicultural Affairs Committee
- Member and participant in the C-SIP Housing Coalition and Basic and Emergency Needs Coalition.
  - Member and participant in the Comprehensive Juvenile Justice Plan - Strategic Team #3 - "To decrease the percent of minority youth & females involved in the juvenile justice system at every point in the system."
- Presented civil rights information to various public and private agencies at more than 30 events, including weekly presentations on housing issues with the Lincoln Housing Authority Section 8 clients. More than 600 participants received information.
- Developed equal opportunity and fair housing Power Point presentations for managers and housing providers.
  - Attended various conferences sponsored by EEOC, HUD, and NFHA.
- Partnership with Urban Development to identify impediments to fair and affordable housing for their consolidated plan.
  - Member of the Affordable Housing Steering Committee facilitated by the City of Lincoln Urban Development Department, which assists in the formulation of the Consolidated Plan.
    - Active participant, and member, of the New Americans Task Force.
    - Active member of the Antelope Valley Connection Team.
  - Represented at the Minority Justice Task Force implementation meetings.
  - Active member of the Lincoln-Lancaster County Homeless Coalition.
- Co-coordinator and office participation in the Annual County/City Food Bank Drive.
- Development of coloring books and the addition of housing-related informational brochures, as well as brochures on public accommodation discrimination.
- Participation in Linking Partnerships in Minority Health planning meetings for a statewide plan for addressing minority health issues.
- Participation in Community-wide Multicultural Youth Art Project Organizational Meeting.



## ***CONTRACT COMPLIANCE***

The City of Lincoln requires that any contract of more than \$10,000 with any contractor, vendor or supplier of goods and services to the City of Lincoln comply with the provisions of the City of Lincoln's Affirmative Action Policy, (1.16 Contract Compliance). In addition, Section 11.08.160, of the Lincoln Municipal Code requires that every contract contain a provision not to discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, ancestry, age or marital status. These requirements also apply to any subcontractor.

All awards of more than \$10,000 are entered into and authorized with the City of Lincoln Charter Article VII, Section 2. These awards are subject to "competitive bidding" and are contracted to the "lowest responsible bidder." If the interests of the City are best served by accepting other than the lowest bid, the Purchasing Agent, with the approval of the Mayor, may reject such bids.

In addition to price, the Purchasing Agent considers, among several other factors, the following in determining the "lowest responsible bidder":

- 1) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- 2) The previous and existing compliance by the bidder with the laws and ordinances relating to the contractor service.

Compliance with the Equal Employment Opportunity requirements is vested with the City of Lincoln's Equal Opportunity Officer (EOO).

### **STATUS REPORT**

The Equal Opportunity and the Affirmative Action Officer are in the process of developing new processes and procedures which will insure that all aspects of the mandated rules are being fulfilled and our Affirmative Action Plan is followed.

Recent reports compiled by the Lincoln Commission on Human Rights indicate that the number of contracts entered into by women and minority businesses with the city is declining and our internal processes to fulfill the requirements of the Municipal Code and the Affirmative Action Plan are in need of revision.

Our goal will be to streamline this process, insure women and minority enterprises have an opportunity to be contractors, vendors or provider of goods for the City, and revise and issue a new directory of women and minority businesses.